

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**INDIAN CREEK ACQUISITIONS, LLC  
d/b/a MUTUAL TOOL**

**Case No. 3:13-CV-199**

**Plaintiff,**

**Judge Thomas M. Rose**

**-v-**

**S.P.M. FLOW CONTROL, INC.  
d/b/a WEIR SPM,**

**Defendant.**

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**ORDER REQUIRING PLAINTIFF TO INFORM THE COURT NOT  
LATER THAN JULY 15, 2013, OF THE NAME AND CITIZENSHIP OF  
EACH MEMBER**

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The Complaint in this matter was filed in this Court on June 20, 2013. According to the Complaint, this Court's jurisdiction is based upon diversity of citizenship. For diversity of citizenship to exist, the Plaintiff's citizenship must be diverse from the Defendant's citizenship. However, this Court cannot tell from the face of the complaint whether diversity of citizenship exists, and thus cannot determine if it has the power to adjudicate this matter.

The caption of the Complaint indicates that the Plaintiff is a Limited Liability Company ("LLC"). "The general rule is that all unincorporated entities - of which a limited liability company is one - have the citizenship of each partner or member." *Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). Thus, without confirming the citizenship of each member of the Plaintiff LLC, the Court cannot confirm that it has subject matter jurisdiction to proceed. Therefore, Plaintiff Indian Creek Acquisitions, LLC is each given until not later than July 15, 2013, to inform the Court of the name and citizenship of each of its

members.

**DONE** and **ORDERED** in Dayton, Ohio this Twenty-Fifth Day of June, 2013.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record